

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

JOHN DOE,)	
)	
Plaintiff,)	NO. 1:23-cv-00002
)	
v.)	JUDGE CAMPBELL
)	MAGISTRATE JUDGE HOLMES
BRIAN SPENCER, et al.)	
)	
Defendants.)	

ORDER

Pending before the Court is a Report and Recommendation by the Magistrate Judge (Doc. No. 50) concerning Plaintiff's motion for summary judgment or, in the alternative, motion to dismiss the counterclaim brought by the Defendant Brian Spencer (Doc. No. 40). The Magistrate Judge recommends the Plaintiff's motion be granted to the extent Plaintiff seeks dismissal of Defendant's counterclaim. (*Id.*).

Defendant filed Objections to the Report and Recommendation stating that he had filed a motion to withdraw the counterclaim to allow the Court to review objections to the Report and Recommendation concerning Defendant's motions to dismiss. (*See* Doc. No. 51). Defendant states that he is "not opposed to the Counterclaim being removed and allowing it to be resubmitted at a future date as it is what was requested several months ago." (*Id.*).

In light of the foregoing, Defendant's Counterclaim (Doc. No. 39) is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's Motion for Summary Judgment or, in the Alternative Motion to Dismiss (Doc. No. 40) and the Report and Recommendation concerning the same (Doc. No. 50) are **MOOT**.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE